

Before the:
**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION**

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FMCSA Docket No. FMCSA-2002-13295

Oregon Department of Transportation Application for Exemptions from 49 CFR Parts 393 and 396 for
Farmers

Comments by



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I. Introduction

CVSA is North America's leading commercial vehicle safety and enforcement organization. Its mission is to achieve uniformity, compatibility, and reciprocity of commercial vehicle inspections and enforcement activities throughout North America. This is accomplished through effective motor carrier, driver, vehicle, and cargo safety standards, compliance, education, and enforcement.

The Alliance also serves as a forum for bringing together federal, state, provincial, and local officials with truck and motor coach industry interests in a unique discussion and problem-solving interchange.

CVSA was organized in 1980. To briefly highlight some of our accomplishments since then, we have –

- Significantly reduced the commercial vehicle crash rate on North American highways.
- Established uniform and reciprocal safety standards and enforcement practices in all 50 states, the District of Columbia, U.S. and Canadian Territories, Canadian Provinces, and Mexico.
- Developed, and continue to maintain, international truck and bus roadside inspection standards.
- Developed, and continue to maintain, uniform inspection procedures for vehicles transporting spent fuel and high-level radioactive and transuranic waste and uniform cargo tank inspection procedures.
- Developed, and continue to maintain, the North American Standard Out-of-Service Criteria, that are the standards with which commercial vehicles and drivers at roadside are rendered unfit or unqualified to continue operating.
- Created, and continue to maintain, an internationally recognized inspection decal that is awarded to commercial vehicles found during inspection to be defect free of the critical inspection items.

- Implemented the U.S.-based state motor carrier safety assistance program (MCSAP) and ensured the development of a truck and bus safety program in all 50 states and the District of Columbia.
- Provide enforcement and industry with commercial vehicle safety information for promoting compliance, education, enforcement and performance improvement.
- Developed, and continue to maintain, a complete training curriculum and certification program for approximately 10,000 inspection officers and trainers in North America, as well as the standards for maintaining certification.
- Developed and continues to deliver, a roadside inspection familiarization seminar for the commercial vehicle industry all over the continent.

While the MCSAP, through its grant program to the states, serves as the underpinning of a national commercial vehicle safety program, CVSA is the organization responsible for the uniform practices and procedures supporting this program in the United States and throughout North America.

II. Oregon DOT Application for Exemptions from 49 CFR Parts 393 and 396 for Farmers

At the 2002 CVSA Fall Workshop in Boston, Massachusetts the International Legal and Regulatory Affairs (ILRA) Committee reviewed Oregon's Application for Exemption in Accordance with 49 CFR Part 381.310, Oregon Department of Transportation accident statistics, and the noted efforts being undertaken by Oregon to correct problems within their state legislation. The ILRA Committee is made up of approximately 30 members with the legal expertise to identify and recommend solutions for legal, regulatory, administrative or enforcement issues that may affect the safe and efficient movement of goods and people internationally.

After an in depth review the committee came to the following conclusions:

- 1) Following a March 2000 review by the FMCSA, Oregon was notified of statutes outside the funding eligibility guidelines for the Motor Carrier Safety Assistance Program (MCSAP), specifically Oregon Revised Statute (ORS) 825.024(1) exempting farm vehicles less than 80,000 pounds from all safety regulations in both intrastate and interstate commerce. Upon notification that Oregon law cannot exempt motor carriers operating in interstate commerce (Under 49 CFR 350) they sought corrective legislation but failed to gain support for the changes to the exemption. These legislative difficulties are disabling Oregon from making the changes to the Revised Statute and resulting in Oregon being unfairly penalized by threat of losing their MCSAP funding.
- 2) Ample documentation showed that Oregon has an exemplary safety record that has not been affected by this legislation, which has been in place since 1978. Of the 11,767 truck crashes, only .76 percent involved farm-plated trucks, and of the 459 deaths resulting from truck crashes, only 1.53 percent involved farm-plated trucks. Likewise, only 3 percent of these crashes listed the mechanical condition of the truck as a contributing factor. Oregon has noted it has an aggressive traffic enforcement program for commercial motor vehicles with 57 law enforcement agencies that provide traffic enforcement. They also have a performance based Commercial Vehicle Safety Plan with a focus on driving down the number of commercial vehicle crashes and fatalities. There is no indication or data showing that CMV safety has been affected by the Revised Statute, in fact Oregon's data shows the contrary.

In conclusion, it is the consensus of CVSA that due to the legislative problems creating undue difficulty for Oregon to make the requested changes to the ORS, their exemplary safety record, and the fact that farm plated vehicles generally do not leave states or provinces, Oregon should not be penalized with removal of MCSAP funds. CVSA supports and endorses Oregon's request for exemptions from all of the requirements of 49 CFR Parts 393 and 396 on behalf of all not for hire motor carriers certified and registered with ODOT as farmers.